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Division of Water Rights

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NOTICE OF APPLICATION 31387 TO APPROPRIATE WATER BY PERMIT AND REQUEST FOR EXTENSION OF TIME PERMITTED APPLICATION 24691B

APPLICATION: 31387

DATE FILED: January 22, 2003

PERMIT: 17587B (APPLICATION 24691B)

DATE PERMITTED: March 27, 1985

Notice is hereby given that Beckstoffer Ranches, Inc. has filed a petition for extension of time for Permit 17587B and Application 31387 for a water right permit to divert water from unnamed streams tributary to Ackerman Creek thence the Russian River in Mendocino County. The State Water Resources Control Board (State Water Resources) will determine whether the petitioner should be granted the extension of time for the existing permit and whether a new water right permit should be issued for the application and, if so, whether conditions are needed in the permit to protect the environment, the public interest, and downstream water users. This notice provides a description of the request for extension of time and proposed project and also describes the procedure and time frame for submittal of protests against the application. This notice may be viewed at the Division of Water Rights' (Division) website at www.waterrights.ca.gov. Any correspondence directed to the applicant should be mailed to:

Beckstoffer Ranches, Inc.
c/o Drew Aspegren
Napa Valley Vineyard Engineering
176 Main Street, Suite B
St. Helena, CA 94574

APPLICATION 31387

Description of Project

The applicant seeks a right to store water behind three existing reservoirs constructed in the mid-1970s as follows: Reservoir No. 2 is an 8-foot-high, 150-foot-long dam, forming a 6 acre-foot capacity on-stream reservoir with a surface area of .5 acres; Reservoir No. 3 is a 6-foot-high, 100-foot-long dam, forming a 6 acre-foot capacity on-stream reservoir with a surface area of .5 acres; and Reservoir No. 4 will be enlarged to a 15-foot-high, 180 foot-long dam, forming a 15 acre-foot capacity on-stream reservoir with a surface area of 1.5 acres. Water is collected to storage for the purpose of irrigating 90.7 acres of vineyard.

License 11943 (Application 24691A) authorizes direct diversion of 0.45 cubic feet per second (cfs) and storage of 22 acre-feet annually (afa) (maximum rate to offstream storage shall not exceed 2.45 cfs) in Reservoir No. 1. The total amount of water to be taken under direct diversion and storage shall not exceed 76 afa. Reservoir No. 1 drip irrigates 90.7 acres and frost protects 68 acres of vineyard. Heat control is also an authorized beneficial use. Water is taken from Reservoir No. 1 to Reservoir No. 4 to drip irrigate the 90.7 acres. After the initial frost protection has occurred, additional water for frost protection is diverted under Permitted Application 24691B to serve the 68 acres of vineyard.

Water collected in Reservoirs Nos. 2 and 3 are diverted via a 4-inch pipeline that ties into a 10-inch main line that is transferred to a 5-inch pipeline to Reservoir No. 4 where the drip lines are located. The frost protection and irrigation systems are not separate, however the applicant does not fill from Reservoir No. 1 to Reservoirs 2 and 3 since there are no irrigation pumps. The project is located approximately one mile southwest from The Forks.

Summary of Application 31387

County: Mendocino.
 Source: Unnamed Streams tributary to Ackerman Creek thence the Russian River.
 Points of
 Diversion: Reservoir No.1 (License 11943) is located within the SE $\frac{1}{4}$ of SW $\frac{1}{4}$,
 Reservoir No. 2 is located within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, and
 Reservoir Nos. 3 and 4* are located within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$;
 all within Section 6, T15N, R12W, MDB&M.
 *Reservoir No. 4 is also a point of re-diversion.
 Amount: 27 acre-feet (af) per year of storage.
 Season: December 15 through March 31 of the succeeding year for storage.
 Purposes: Irrigation.
 Place of Use:

Use Within	Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	6	15N	12W	MD	1.9	Yes
SE $\frac{1}{4}$ of SW $\frac{1}{4}$	6	15N	12W	MD	16.1	Yes
SW $\frac{1}{4}$ of SE $\frac{1}{4}$	6	15N	12W	MD	17.5	Yes
SE $\frac{1}{4}$ of SE $\frac{1}{4}$	6	15N	12W	MD	29.9	Yes
SW $\frac{1}{4}$ of SW $\frac{1}{4}$	5	15N	12W	MD	23.9	Yes
NW $\frac{1}{4}$ of NW $\frac{1}{4}$	8	15N	12W	MD	1.4	Yes
TOTAL					90.7	

Environmental Information

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information that indicates the project may cause a significant effect on the environment, please send this information to Steven Herrera; State Water Board, Division of Water Rights; P.O. Box 2000; Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

REQUEST FOR EXTENSION OF TIME

PERMIT 17587B (APPLICATION: 24691B) **DATE PERMITTED:** March 27, 1985

Description of Project

On July 11, 2001, the Division conducted an inspection of the project and found no records of water diversion had been kept. The time to complete full beneficial use under Permit 17587B ended on December 1, 1993. The applicant requested a ten-year extension of time under Permit 17587B to collect the records of beneficial use, since the information they have is incomplete. All construction work has been completed and the applicant stated they been using 60 acre-feet per year for frost protection purposes.

The Division's inspection also found that the unnamed stream tributary to Ackerman Creek was listed as a source in error since there is no authorized point of diversion. The Division intends to remove the unnamed stream as a source.

Summary of Permit 17587B (Application 24691B)

County: Mendocino.
Source: (1) Ackerman Creek tributary to the Russian River.
(2) Unnamed Stream tributary to Ackerman Creek thence the Russian River.
Point of
Diversion: SE¼ of SW¼ of Section 6, T15N, R12W, MDB&M.
Amount: 2.45 cfs (The total amount of water to be taken from the source for all uses under this permit and Permit 17587A shall not exceed 221 af per water year of October 1 to September 30.).
Season: March 15 through June 15 of each year.
Purposes: Frost Protection.
Place of Use: 110 acres as shown on a map on file with the Division.

PROTEST SUBMITTAL INFORMATION

Protest Requirements

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the State Water Board.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the application is approved. In addition, the party claiming interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the

purpose of use and the place of use. Please note that any water right permit issued by the State Water Board is subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed appropriation would not be within the State Water Board's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the appropriation will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant a duplicate copy of the protest.

If sufficient information is not submitted, the State Water Board may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

Procedure for Submitting Protests

Protests should be submitted on standard protest forms available from the Division of Water Rights' website at www.waterrights.ca.gov/forms/ or upon request from the Division of Water Rights. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the engineer listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant.**

Protest Submittal Deadline

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on the **40th** day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14th Floor, Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division of Water Rights in order for the protest to be accepted. The SWRCB will respond to all protests within 60 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

Resolution of Protests

The applicant/petitioner will have 30 days to respond to a protest once it is accepted by the Division of Water Rights. The protestant and the applicant/petitioner are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a "minor" project (the proposed diversion is 3 cubic feet per second or less by direct diversion or 200 acre-feet or less per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or by provisions of section 1335 of the Water Code will be decided by the Chief, Division of Water Rights, following a field investigation.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Patricia Meroney by phone at (916) 341-5354 or by electronic mail at pmeroney@waterboards.ca.gov. Information and protest forms are also available at the Division's website: www.waterrights.ca.gov/forms/.

Date of Notice: **May 6, 2005**